

14

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 17-cr-20274

Honorable Bernard A. Friedman

v.

D-1 JUMANA NAGARWALA,
D-2 FAKHRUDDIN ATTAR,
D-3 FARIDA ATTAR,
D-4 TAHERA SHAFIQ,
D-5 FARIDA ARIF,
D-6 FATEMA DAHODWALA,
D-7 HASEENA HALFAL, and
D-8 ZAINAB HARIYANAWALA,

VIO: 18 U.S.C. § 371
18 U.S.C. § 116
18 U.S.C. § 2
18 U.S.C. § 2423(b), (e)
18 U.S.C. § 1512(k)

Defendants.

FILED USDC - CLK DET
2018 SEP 12 AM 11:02

THIRD SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

FILED USDC - CLK DET
2018 SEP 12 AM 11:02

At all times relevant to this Third Superseding Indictment:

1. Some members of a particular community (the Community) are known to practice female genital mutilation (FGM) on young girls within the Community.
2. JUMANA NAGARWALA, an emergency room physician, was employed by a major southeastern Michigan medical center.

3. FAKHRUDDIN ATTAR, an internal medicine physician, owned and operated Burhani Medical Clinic, located at 15712 Farmington Road, Livonia, Michigan.
4. FARIDA ATTAR, FAKHRUDDIN ATTAR's wife, was employed as the office manager of Burhani Medical Clinic, located at 15712 Farmington Road, Livonia, Michigan.
5. TAHERA SHAFIQ is a resident of Wayne County, Michigan.
6. HASEENA HALFAL is a resident of Minnesota.
7. ZAINAB HARIYANAWALA is a resident of Minnesota.
8. FARIDA ARIF is a resident of Oakland County, Michigan.
9. FATEMA DAHODWALA is a resident of Oakland County, Michigan.
10. Minor Victim One (MV-1), a girl, is a resident of Minnesota and was born in 2010.
11. Minor Victim Two (MV-2), a girl, is a resident of Minnesota and was born in 2010.
12. Minor Victim Three (MV-3), a girl, is a resident of Michigan and was born in 2008.
13. Minor Victim Four (MV-4), a girl, is a resident of Michigan and was born in 2009.

14. Minor Victim Five (MV-5), a girl, is a resident of Michigan and was born in 2005.

15. Minor Victim Six (MV-6), a girl, is a resident of Michigan and was born in 2008.

16. Minor Victim Seven (MV-7), a girl, is a resident of Illinois and was born in 2007.

17. Minor Victim Eight (MV-8), a girl, was a resident of Illinois in 2015, and was born in 2008.

18. Minor Victim Nine (MV-9), a girl, is a resident of Illinois and was born in 2008.

19. JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, FATEMA DAHODWALA, HASEENA HALFAL and ZAINAB HARIYANAWALA are members of the Community.

COUNT ONE

Conspiracy to Commit Female Genital Mutilation
18 U.S.C. § 371

D-1 JUMANA NAGARWALA
D-2 FAKHRUDDIN ATTAR
D-3 FARIDA ATTAR
D-4 TAHERA SHAFIQ
D-5 FARIDA ARIF
D-6 FATEMA DAHODWALA
D-7 HASEENA HALFAL
D-8 ZAINAB HARIYANAWALA

20. Paragraphs 1 through 19 of the General Allegations are realleged and incorporated by reference as though fully set forth herein.

21. From 2005 to April 21, 2017, the exact dates unknown, in the Eastern District of Michigan and elsewhere, the defendants, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, FATEMA DAHODWALA, HASEENA HALFAL, and ZAINAB HARIYANAWALA, did willfully and knowingly combine, conspire, confederate and agree with each other and with other persons both known and unknown to the Grand Jury, to commit certain offenses against the United States, that is:

To violate Title 18, United States Code, Section 116, by knowingly circumcising, excising, and infibulating the whole or any part of the labia majora, labia minora and clitoris of a person who had not attained the age of 18 years;

Purpose of the Conspiracy

22. It was the purpose of the conspiracy for JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, FATEMA DAHODWALA, HASEENA HALFAL, and ZAINAB HARIYANAWALA and others to knowingly circumcise, excise, and infibulate the whole or any part of the labia majora, labia minora, and clitoris of any person who had not attained the age of 18 years.

Manner and Means

The manner and means by which the defendants and others sought to accomplish the purpose of the conspiracy included, among other things:

23. FAKHRUDDIN ATTAR allowed JUMANA NAGARWALA to perform FGM procedures at Burhani Medical Clinic after the clinic was closed for the day.

24. JUMANA NAGARWALA performed FGM procedures at Burhani Medical Clinic.

25. FARIDA ATTAR, TAHERA SHAFIQ, or both assisted JUMANA NAGARWALA in the examination room while JUMANA NAGARWALA performed FGM procedures on minor victims.

26. JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR instructed others not to speak about FGM procedures that had taken place.

Overt Acts

In furtherance of the conspiracy, and to accomplish its purposes and objects, at least one of the conspirators committed, or caused to be committed, in the Eastern District of Michigan, the following overt acts, among others:

27. In February 2015, JUMANA NAGARWALA communicated with the mother of MV-7. NAGARWALA directed MV-7's mother to meet her on February 14, 2015, at Burhani Medical Clinic.

28. On or about February 14, 2015, JUMANA NAGARWALA performed an FGM procedure on MV-7 at Burhani Medical Clinic.

29. In March 2015, JUMANA NAGARWALA communicated with the mother of MV-8. NAGARWALA directed MV-8's mother to meet her on March 28, 2015 at Burhani Medical Clinic.

30. On or about March 28, 2015, JUMANA NAGARWALA performed an FGM procedure on MV-8 at Burhani Medical Clinic.

31. On or about April 25, 2015, at approximately 4:00 p.m., FARIDA ATTAR gave valium (a schedule IV controlled substance) ground up in liquid Tylenol to MV-6.

32. On or about April 25, 2015, at approximately 4:52 p.m., FAKHRUDDIN ATTAR arrived at the Burhani Medical Clinic to let JUMANA NAGARWALA in so that she could perform an FGM procedure on MV-6 at this clinic.

33. On or about April 25, 2015, JUMANA NAGARWALA arrived at the Burhani Medical Clinic.

34. On or about April 25, 2015, after 5:00 p.m., FARIDA ATTAR arrived at the Burhani Medical Clinic with MV-6.

35. On or about April 25, 2015, JUMANA NAGARWALA performed an FGM procedure on MV-6 at Burhani Medical Clinic.

36. On or about May 30, 2015, FARIDA ATTAR made Burhani Medical Clinic available to allow JUMANA NAGARWALA to perform an FGM procedure on MV-3 at this clinic.

37. On or about May 30, 2015, FARIDA ATTAR arrived at Burhani Medical Clinic.

38. On or about May 30, 2015, FARIDA ARIF arrived at Burhani Medical Clinic with MV-3.

39. On or about May 30, 2015, FARIDA ARIF caused an FGM procedure to be performed on MV-3 at Burhani Medical Clinic.

40. On or about May 30, 2015, JUMANA NAGARWALA performed an FGM procedure on MV-3 at Burhani Medical Clinic. FARIDA ATTAR participated in MV-3's FGM procedure.

41. In September 2015, JUMANA NAGARWALA communicated with the mother of MV-9. NAGARWALA directed MV-9's mother to meet her on September 18, 2015 at Burhani Medical Clinic.

42. On or about September 18, 2015, JUMANA NAGARWALA performed an FGM procedure on MV-9 at Burhani Medical Clinic.

43. On or about August 19, 2016, FATEMA DAHODWALA caused an FGM procedure to be performed on MV-4.

44. On or about August 19, 2016, JUMANA NAGARWALA performed an FGM procedure on MV-4.

45. In January 2017, JUMANA NAGARWALA sent text messages to FARIDA ATTAR and TAHERA SHAFIQ to confirm their availability on February 3, 2017. JUMANA NAGARWALA also sent text messages to HASEENA HALFAL and ZAINAB HARIYANAWALA, directing them to meet her on February 3, 2017, at 6:45 and 6:15, respectively.

46. On or about February 3, 2017, HASEENA HALFAL, MV-1, ZAINAB HARIYANAWALA, and MV-2 traveled by car from Minnesota to Michigan for the purpose of having JUMANA NAGARWALA perform FGM on MV-1 and MV-2.

47. On or about February 3, 2017, FAKHRUDDIN ATTAR allowed JUMANA NAGARWALA to perform FGM procedures on MV-1 and MV-2 at his clinic.

48. On or about February 3, 2017, JUMANA NAGARWALA, FARIDA ATTAR, and TAHERA SHAFIQ went to Burhani Medical Clinic where they met HASEENA HALFAL, MV-1, ZAINAB HARIYANAWALA, and MV-2.

49. On or about February 3, 2017, JUMANA NAGARWALA performed an FGM procedure on MV-1 at Burhani Medical Clinic. FARIDA ATTAR and TAHERA SHAFIQ participated in MV-1's FGM procedure.

50. On or about February 3, 2017, JUMANA NAGARWALA performed an FGM procedure on MV-2 at Burhani Medical Clinic. FARIDA ATTAR and TAHERA SHAFIQ participated in MV-2's FGM procedure.

51. JUMANA NAGARWALA caused an FGM procedure to be performed on MV-5.

COUNTS TWO THROUGH SIX

Female Genital Mutilation

18 U.S.C. §§ 116 and 2

**DEFENDANTS CHARGED IN SPECIFIC
COUNTS LISTED IN CHART BELOW**

52. Paragraphs 1 through 19 of the General Allegations and paragraphs 23 through 26 of the Manner and Means of this Third Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

53. On or about the dates specified below, in the Eastern District of Michigan, the defendants, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, FATEMA DAHODWALA,

HASEENA HALFAL, and ZAINAB HARIYANAWALA knowingly circumcised, excised, and infibulated the whole or any part of the labia majora, labia minora and clitoris of a person who had not attained the age of 18, and aided and abetted each other in doing so, as detailed in the table below:

| Count | Approximate Date | Defendants | Victim |
|--------------|-------------------------|--|---------------|
| 2 | February 3, 2017 | D-1 JUMANA NAGARWALA D-2 FAKHRUDDIN ATTAR D-3 FARIDA ATTAR D-4 TAHERA SHAFIQ D-7 HASEENA HALFAL | MV-1 |
| 3 | February 3, 2017 | D-1 JUMANA NAGARWALA D-2 FAKHRUDDIN ATTAR D-3 FARIDA ATTAR D-4 TAHERA SHAFIQ D-8 ZAINAB HARIYANAWALA | MV-2 |
| 4 | May 30, 2015 | D-1 JUMANA NAGARWALA D-3 FARIDA ATTAR D-5 FARIDA ARIF | MV-3 |
| 5 | August 19, 2016 | D-1 JUMANA NAGARWALA D-6 FATEMA DAHODWALA | MV-4 |
| 6 | April 25, 2015 | D-1 JUMANA NAGARWALA D-2 FAKHRUDDIN ATTAR D-3 FARIDA ATTAR | MV-6 |

In violation of Title 18, United States Code, §§ 116 and 2.

COUNT SEVEN

Conspiracy to Travel with Intent to Engage in Illicit Sexual Conduct
18 U.S.C. § 2423(b), (e)

D-1 JUMANA NAGARWALA

54. Paragraphs 1 through 19 of the General Allegations and paragraphs 23 through 26 of the Manner and Means of this Third Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

55. From January 2017 to February 4, 2017, in the Eastern District of Michigan and elsewhere, the defendant, JUMANA NAGARWALA, did knowingly and willfully conspire and agree with other persons both known and unknown to the Grand Jury, for persons to travel in interstate commerce, that is, from the State of Minnesota to the State of Michigan, for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f)(1), with MV-1 and MV-2, in violation of Title 18 U.S.C. § 2423(b), (e).

COUNT EIGHT

Conspiracy to Obstruct an Official Proceeding
18 U.S.C. § 1512(k)

D-1 JUMANA NAGARWALA

D-2 FAKHRUDDIN ATTAR

D-3 FARIDA ATTAR

D-6 FATEMA DAHODWALA

56. Paragraphs 1 through 19 of the General Allegations and paragraphs 23 through 26 of the Manner and Means of this Third Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

57. From on or about April 10, 2017 and continuing through the date of this indictment, in the Eastern District of Michigan and elsewhere, the defendants, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, and FATEMA DAHODWALA, did knowingly and willfully conspire and agree together and with other persons both known and unknown to the Grand Jury to corruptly persuade each other and other members of the Community, and did attempt to do so, and engage in misleading conduct toward each other and other members of the Community, with the intent to hinder, delay and prevent the communication to law enforcement officers and a judge of the United States of information relating to the commission or possible commission of a federal offense, and did also conspire and agree with each other and other persons known and unknown to the grand jury to corruptly obstruct, influence and impede an official proceeding, all in violation of

18 U.S.C. § 1512(k).

THIS IS A TRUE BILL.

s/Grand Jury Foreperson
GRAND JURY FOREPERSON

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United States Attorney

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Dated: September 12, 2018

ORIGINAL

| | | |
|--|----------------------------------|-----------------------------------|
| United States District Court Eastern District of Michigan | Criminal Case Cover Sheet | Case Number 17-cr-20274 |
|--|----------------------------------|-----------------------------------|

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 []

| | |
|--|-----------------------------------|
| Companion Case Information | Companion Case Number: |
| This may be a companion case based upon LCrR 57.10 (b)(4) ¹ : | Judge Assigned: |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | AUSA's Initials: <i>AW</i> |

Case Title: USA v. Jumana Nagarwala, et al.

County where offense occurred : Wayne County and Oakland County

Check One: ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

☐ Indictment/ ☐ Information --- no prior complaint.
☐ Indictment/ ☐ Information --- based upon prior complaint [Case number:]
☒ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: 17-cr-20274 **Judge:** Bernard A. Friedman

- ☐ Original case was terminated; no additional charges or defendants.
☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☒ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name


Charges

Prior Complaint (if applicable)

18 U.S.C. § 2423(b), (e)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

September 12, 2018
Date


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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.